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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,684	12/14/2005	Johannis Friso Rendert Blacquiere	FR 030065	8554
24737 7590 04/10/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
KAYRISH, MATTHEW				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
04/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/560,684

**Applicant(s)**

BLACQUIERE ET AL.

**Examiner**

MATTHEW G. KAYRISH

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The preliminary amendment, filed 12/14/2005, has been reviewed and is accepted by the examiner.

***Priority***

2. The examiner acknowledges the foreign priority claim filed on 12/14/2005

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner suggests including details about multi-level recording of files and related sub-files.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo et al (US Patent Number 6122245).

Regarding claim 1, Kondo discloses:

An apparatus (figure 4) for processing information stored in a data carrier (column 1, lines 10-15) in which information can be stored in places defined by a first position indication (figure 4, objective lens in a lowered position) and by at least a second position indication (figure 4, objective lens in a raised position), comprising:

A carrier head (figure 4, item 21) for reading and/or writing data in said data carrier (column 4, 10-25), control means for moving said carrier head in accordance with the positions (column 4, lines 15-25);

Wherein said information stored in the data carrier is arranged in files (figure 5, items A1 & B1) and related sub-files (figure 5, items A2 & B2) such that at least a part of a file with its related sub-file is made accessible from said first position (column 4, lines 15-53).

Regarding claim 2, Kondo discloses the features of base claim 1, as stated in the 102 rejection above, and further discloses:

Wherein the data carrier is a removable one (column 1, lines 17-33; CD-ROM drives are well known to be removable).

Regarding claim 3, Kondo discloses the features of base claim 1, as stated in the 102 rejection above, and further discloses:

Wherein the data carrier is an optical disc comprising at least two layers (figure 5, items 1 & 2), the first position indication defining a location on the surface area of the disc (figure 4, item 1 is on the surface area relative to the light beam) and the second position indication defining the envisaged layer (figure 4, item 2 is envisaged relative to the light beam).

Regarding claim 4, Kondo discloses the features of base claim 1, as stated in the 102 rejection above, and further discloses:

Wherein means are provided for managing a defect in a file on the basis of other related files (columns 5 & 6, lines 46-67 & 1).

Regarding claim 5, Kondo discloses the features of base claim 1, as stated in the 102 rejection above, and further discloses:

Data organized in files (figure 5, items A-1 & B-1) and related sub-files (figure 5, items A-2 & B-2) such that at least a part of a file and its related sub-file are close together (figure 5).

Regarding claim 6, Kondo discloses the features of base claim 5, as stated in the 102 rejection above, and further discloses:

Constituted by an optical disc having at least two layers (figure 5, items 1 & 2), wherein the files with their related sub-files are on different layers in the same locations of the disc (figure 5, items B-1 & B-2 are on different layers at the same location).

Regarding claim 7, Kondo discloses the features of base claim 6, as stated in the 102 rejection above, and further discloses:

Wherein the files and related sub-files are placed close together in one or a plurality of layers (figure 5, items B-1 & B-2 are close together in 2 separate layers).

Regarding claim 8, it contains method limitations that are similar to, or inherent from the limitations of claims 1-7, as stated in the 102 rejection above, therefore, claim 8 is met on the same basis.

Regarding claim 9, Kondo discloses the features of base claim 1, as stated in the 102 rejection above, and further discloses:

An optical head suitable for the apparatus (column 4, lines 10-15).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW G. KAYRISH whose telephone number is (571)272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/8/2008

/M. G. K./

Examiner, Art Unit 2627

***/Brian E. Miller/***

***Primary Examiner, Art Unit 2627***